IN THE HIGH COURT OF BOMBAY AT GOA
***

SECOND APPEAL NO. 60 OF 2003

Shri Chandrakant Puttu
Dessai, s/o Puttu Dessai,
major in age, r/o House
No.45, Devad Shet, near
Tilamol, Quepem, Goa. ... Appellant.

Versus

M/s. G. N. Agarwal Pvt. Ltd.,
Reg. Co. having its Head
Office at Anand Bhavan,
Station Road, Margao, Goa,
represented by its Director
Shri G. N. Agarwal, major
in age, r/o Margao, Goa. ... Respondent.

Shri S. S. Kakodkar, advocate for the appellant.

Shri S. R. Rivonkar, advocate for the respondent.

CORAM : V. G. PALSHIKAR,J.

DATE : 9th October, 2003.

ORAL ORDER

This Second Appeal can be disposed of finally by directing the learned Appellate Court to decide the Appeal as per the provisions of Section 97 of the Civil Procedure Code as also several judgments of the Supreme Court, including in the case of **Madhukar & Ors. vs. Sangram & Ors.**, reported in AIR 2001 SC 2171, where it has been observed by the Supreme Court of India that the Appellate Court should formally assess points for determination and adjudicate on each of them.

2. The interests of justice would be served if the impugned Judgment is set aside and the matter is remanded to the Appellate Court for decision in accordance with law. The impugned Judgment dated 17th April, 2003, is set aside and the

matter is remanded to the Appellate Court for decision in accordance with law.

Appeal accordingly disposed of.

V. G. PALSHIKAR, J.

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